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Attorneys for Defendant

**FOURTH QUARTER PROPERTIES
XLVIII, LLC**

[additional counsel listed on signature pages]

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

**MENLO EQUITIES DEVELOPMENT
SERVICES COMPANY LLC**

Plaintiff,

vs.

**FOURTH QUARTER PROPERTIES
XLVIII, LLC AND DOES 1 THROUGH 100**

Defendants.

Case No. C 07-00089 JW HRL

**JOINT STIPULATION TO STAY THE
LITIGATION AND ~~PROPOSED~~ ORDER**

JOINT STIPULATION TO STAY THE LITIGATION

Plaintiff Menlo Equities Development Services Company LLC (“MEDSCO”) and Defendant Fourth Quarter Properties XLVIII, LLC (“Fourth Quarter”) stipulate as follows:

1. On February 22, 2007, the parties agreed in principle to settle the litigation and executed a Term Sheet reflecting their agreement. The Term Sheet was prepared in anticipation of a formal Settlement Agreement to be finalized and signed by the parties.

2. The parties agreed jointly to ask the Court to stay all other matters pending in the case for ninety (90) days after the execution of the Term Sheet. Accordingly, the parties stipulate that all litigation in the case is stayed until May 23, 2007, and that all dates in this case are vacated, including the February 26, 2007 hearing on MEDSCO’s Application for a Writ of Attachment and the Case Management Conference currently set for April 24, 2007.

3. The parties stipulate that the stay does not apply to the parties’ joint request that the Court issue to MEDSCO a Right to Attach Order and Order for Issuance of Writ of Attachment.

4. The parties stipulate that Fourth Quarter shall not answer, respond to, or otherwise defend against the First Amended Complaint in this matter while the stay is in effect.

5. The parties stipulate that at any time, either party may contact the Court to schedule a status conference to bring to the Court’s attention any reason this order staying the litigation should be terminated.

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1 IT IS THEREFORE STIPULATED that, subject to the approval of the Court, all litigation in
2 this matter is stayed until May 23, 2007, and all dates in this case are vacated. The stay does not
3 apply to the parties' joint request that the Court issue to MEDSCO a Right to Attach Order and
4 Order for Issuance of Writ of Attachment.

5 Dated: February 23, 2007.

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13 By [concurrence obtained, General Order 45, § X.B]
14 Kirk M. McAlpin

15 Attorneys for Defendant
16 FOURTH QUARTER PROPERTIES XLVIII, LLC

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DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B

I, Robert B. Bader, hereby declare pursuant to General Order 45, § X.B, that I have obtained the concurrence in the filing of this document from Kirk M. McAlpin.

I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on February 23, 2007 at San Francisco, CA.

Dated: February 23, 2007.

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By: /s/ Robert B. Bader

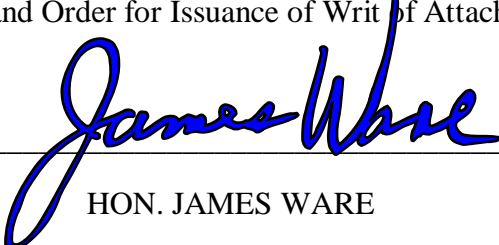
Attorneys for Plaintiff
MENLO EQUITIES DEVELOPMENT SERVICES
COMPANY LLC

* * *

 **[PROPOSED] ORDER**

For good cause shown in the Joint Stipulation to Stay the Litigation, PURSUANT TO STIPULATION, IT IS SO ORDERED that all litigation in this matter is stayed until May 23, 2007, and all dates in this case are VACATED. This Order does not apply to the parties' joint request that the Court issue to MEDSCO a Right to Attach Order and Order for Issuance of Writ of Attachment.

Dated: 2/23/2007


HON. JAMES WARE